[APRIL, MDCCLXXIII.] [NUMB. 385.]

THE SOUTH-CAROLINA AND COUNTRY GAZETTE; JOURNAL.

Containing the freſheſt Advices, both Foreign and Domeſtic.

TUESDAY, APRIL 13, 1773.

BOSTON, FEBRUARY 22.

ON Tueſday laſt his Excellency the Governor was pleaſed to ſend a Meſſage by the Secretary to the Honourable Houſe of Repreſentatives, directing their attendance forthwith in the Council Chamber. The Houſe went up accordingly, and after his Excellency had given his aſſent to ſeveral engroſſed bills, he made the following SPEECH to both Houſes:

Gentlemen of the Council, and
Gentlemen of the Houſe of Repreſentatives,

THE proceedings of ſuch of the inhabitants of the town of Boſton as aſſembled together, and paſſed and publiſhed their reſolves or votes as the act of the town, at a legal town-meeting, denying, in the moſt expreſs terms, the ſupremacy of Parliament, and inviting every other town and diſtrict in the province to adopt the ſame principles, and to eſtabliſh Committees of Correſpondence, to conſult upon proper meaſures to maintain it; and the proceedings of divers other towns, in conſequence of this invitation, appeared to me to be ſo unwarrantable, and of ſuch a dangerous nature and tendency, that I thought myſelf bound to call upon you, in my Speech at opening the ſeſſion, to join with me in diſcountenancing and bearing a proper teſtimony againſt ſuch irregularities and innovations.

I ſtated to you fairly and truly, as I conceived, the conſtitution of the kingdom and of the province, ſo far as relates to the dependance of the latter upon the former; and I deſired you, if you differed from me in ſentiments, to ſhew me with candour my own errors, and to give your reaſons in ſupport of your opinions, ſo far as you might differ from me. I hoped that you would have conſidered my Speech by your joint Committees, and have given me a joint anſwer; but as the Houſe of Repreſentatives have declined that mode of proceeding, and as your principles in government are very different, I am obliged to make ſeparate and diſtinct Replies.

I ſhall firſt apply myſelf to you,

Gentlemen of the Council,

The two firſt parts of your Anſwer, which reſpect the diſorders occaſioned by the Stamp-act, and the general nature of Supreme Authority, do not appear to me to have a tendency to invalidate any thing which I have ſaid in my Speech; for, however the Stamp-act may have been the immediate occaſion of any diſorders, the authority of Parliament was notwithſtanding denied, in order to juſtify or excuſe them. And, for the nature of the Supreme Authority of Parliament, I have never given you any reaſon to ſuppoſe that I intended a more abſolute power in Parliament, or a greater degree of active or paſſive obedience in the people, than what is founded in the nature of government, let the form of it be what it may. I ſhall therefore paſs over thoſe parts of your Anſwer, without any further remark, I would alſo have ſaved you the trouble of all thoſe authorities, which you have brought to ſhew that all taxes upon Engliſh ſubjects muſt be levied by virtue of the act, not of the King alone, but in conjunction with the Lords and Commons, for I ſhould very readily have allowed it; and I ſhould as readily have allowed, that other acts of legiſlation muſt be paſſed by the ſame joint authority, and not by the King alone.

Indeed, I am not willing to continue a controverſy with you upon any other parts of your Anſwer. I am glad to find, that independance is what you have not in contemplation; and that you will not preſume to preſcribe the exact limits of the authority of Parliament; only, as with due difference to it, you are humbly of opinion that, as all human authority, in the nature of it, is and ought to be limited, it cannot conſtitutionally extend, for the reaſons you have ſuggeſted, to the levying of taxes, in any form, on his Majeſty's ſubjects of this province.

I will only obſerve, that your attempts to draw a line, as the limits of the ſupreme authority in government, by diſtinguiſhing ſome natural rights as more peculiarly exempt from ſuch authority than the reſt, rather tend to evince the impracticability of drawing ſuch a line; and that ſome parts of your Anſwer ſeem to infer a ſupremacy in the province, at the ſame time that you acknowledge the ſupremacy of Parliament; for otherwiſe the rights of the ſubjects cannot be the ſame in all eſſential reſpects, as you ſuppoſe them to be, in all parts of the dominions, "under a like form of Legiſlature."

From theſe, therefore, and other conſiderations, I cannot help flattering myſelf that, upon more mature deliberation, and in order to a more conſiſtent plan of government, you will chooſe rather to doubt of the expediency of Parliament's exerciſing its authority in caſes that may happen, than to limit the authority itſelf, eſpecially as you agree with me in the proper method of obtaining a redreſs of grievances by conſtitutional repreſentations, which cannot well conſiſt with a denial of the authority to which the repreſentations are made; and, from the beſt information I have been able to obtain, the denial of the authority of Parliament, expreſſly or by implication, in thoſe petitions to which you refer, was the cauſe of their not being admitted, and not any advice given by the Miniſter to the Agents of the Colonies.

I muſt enlarge and be much more particular in my Reply to you,

Gentlemen of the Houſe of Repreſentatives,

I ſhall take no notice of that part of your Anſwer, which attributes the diſorders of the province to an undue exerciſe of the power of Parliament, becauſe you take for granted, what can by no means be admitted, that Parliament had exerciſed its power without juſt authority. The ſum of your Anſwer, ſo far as it is pertinent to my Speech, is this:

You alledge that the Colonies were an acquiſition of foreign Territory not annexed to the Realm of England, and therefore at the *abſolute* diſpoſal of the Crown; the King having, as you take it, a conſtitutional right to diſpoſe of and *alienate* any part of his Territories not annexed to the Realm---that Queen Elizabeth accordingly conveyed the property, *dominion* and *ſovereignty* of Virginia to Sir Walter Raleigh, to be held of the Crown *by homage and a certain render*, without reſerving any ſhare in the legiſlative and executive authority---that the ſubſequent grants of America were ſimilar in this reſpect, that they were without any reſervation for ſecuring the ſubjection of the Coloniſts to the Parliament and future laws of England,---that this was the ſenſe of the Engliſh Crown, the Nation, and our Predeceſſors, when they firſt took poſſeſſion of this Country---that if the Colonies were not then annexed to the Realm, they cannot have been annexed ſince that time---that if they are not now annexed to the *Realm*, they are not part of the *Kingdom*, and conſequently not ſubject to the Legiſlative authority of the Kingdom; for no Country, by the Common Law, was ſubject to the Laws or to the Parliament but the Realm of England.

Now if this your foundation ſhall fail you in every part of it, which I think it will, the fabrick which you have raiſed upon it muſt certainly fall.

Let me then obſerve to you that, as Engliſh ſubjects, and agreeable to the doctrine of feudal tenure, all our lands and tenements are held mediately or immediately of the Crown, and although the poſſeſſion and uſe of profits be in the ſubject, there ſtill remains a dominion in the Crown. When any new countries are diſcovered by Engliſh ſubjects, according to the general law and uſage of nations, they become part of the ſtate, and, according to the feudal ſyſtem, the lordſhip or dominion is in the Crown, and a right accrues of diſpoſing of ſuch territories, under ſuch tenure, or for ſuch ſervices to be performed, as the Crown ſhall judge proper, and whenſoever any part of ſuch territories, by grant from the Crown, becomes the poſſeſſion or property of private perſons, ſuch perſons, thus holding under the Crown of England, remain or become ſubjects of England, to all intents and purpoſes, as fully as if any of the royal manors, foreſts or other territory within the realm had been granted to them upon the like tenure. But that it is now, or was when the plantations were firſt granted, the prerogative of the Kings of England to alienate ſuch territories from the Crown, or to conſtitute a number of new governments, altogether independant of the Sovereign legiſlative authority of the Engliſh empire, I can by no means concede to you. I have never ſeen any better authority to ſupport ſuch an opinion than an anonymous pamphlet, by which I fear you have too eaſily been miſled, for I ſhall preſently ſhew you that the declarations of King James the firſt, and of King Charles the firſt, admitting they are truly related by the author of this pamphlet, ought to have no weight with you; nor does the ceſſion or reſtoration, upon a treaty of peace, of countries which have been loſt or acquired in war militate with theſe principles, nor may any particular act of power of a prince in ſelling or delivering up any part of his dominion to a foreign Prince or State, againſt the general ſenſe of the nation, be urged to invalidate them; and upon examination it will appear, that all the grants which have been made of America are founded upon them, and are made to conform to them, even thoſe which you have adduced in ſupport of very different principles.

You do not recollect that, previous to what you [illegible] firſt grant by Q. Elizabeth to Sir Walter Raleigh, a grant had been made, by the ſame Princeſs, to Sir Humphry Gilbert, of all ſuch countries as he ſhould diſcover, which were to be *of the allegiance of her, her Heirs and Succeſſors*, but he dying in the proſecution of his voyage, a ſecond grant was made to Sir Walter Raleigh, which, you ſay, conveyed the dominion and ſovereignty, without any reſerve of legiſlative or executive authority, *being held by homage and a render*. To hold by *homage*, which implies fealty, *and a render*, is deſcriptive of ſocage tenure as fully, as if it had been ſaid, to hold *as of our manor of Eaſt Greenwich*, the words in your Charter. Now this alone was a reſerve of dominion and ſovereignty in the Queen, her Heirs and Succeſſors, and, beſides this, the grant is made upon this expreſs condition, which you paſs over, *That the People remain ſubject to the Crown of England*, the head of that legiſlative authority which, by the Engliſh conſtitution, is equally extenſive with the authority of the Crown throughout every part of the dominions. Now if we could ſuppoſe the Queen to have acquired, ſeparate from her relation to her ſubjects, or in her natural capacity, which ſhe could not do, a title to a country diſcovered by her ſubjects, and then to grant the ſame country to Engliſh ſubjects, in her public capacity as Queen of England, ſtill, by this grant, ſhe annexed it to the Crown. Thus, by not diſtinguiſhing between the Crown of England and the Kings and Queens of England in their perſonal or natural capacities, you have been led into a fundamental error, which muſt prove fatal to your ſyſtem. It is not material whether Virginia reverted to the Crown by Sir Walter's attainder, or whether he never took any benefit from his grant, though the latter is moſt probable, ſeeing he ceaſed from all attempts to take poſſeſſion of the country after a few years trial. There were undoubtedly, divers grants made by King James the firſt, of the continent of America, in the beginning of the 17th century, and ſimilar to the grant of Q. Elizabeth in this reſpect, that they were dependant on the Crown. The Charter to the council at Plymouth, in Devon, dated November 3, 1620, more immediately reſpects us, and of that we have the moſt authentic remains.

By this charter, upon the petition of Sir Ferdinando Gorges, a Corporation was conſtituted, to be and continue by ſucceſſion for ever in the town of Plymouth aforeſaid, to which Corporation that part of the American continent, which lies between the 40th and 48th degrees of Latitude, was granted *to be held of the King, his Heirs and Succeſſors, as of the manor of Eaſt Greenwich*, with powers to conſtitute ſubordinate Governments in America, and to make Laws for ſuch Governments, *not repugnant to the Laws and Statutes of England*. From this Corporation your Predeceſſors obtained a Grant of the Soil of the Colony of Maſſachuſetts-Bay, in 1627, and, in 1628, they obtained a Charter from K. Charles the firſt, making them a diſtinct Corporation alſo, within the Realm, and giving them full powers within the limits of their Patent, very like to thoſe of the Council of Plymouth throughout their more extenſive Territory.

We will now conſider what muſt have been the ſenſe of the King, of the Nation, and of the Patentees, at the time of granting theſe Patents. From the year 1602, the banks and ſea-coaſts of New-England had been frequented by Engliſh ſubjects for catching and drying Cod-fiſh. When an excluſive right to the fiſhery was claimed, by virtue of the Patent of 1620, the Houſe of Commons was alarmed, and a bill was brought in for allowing a free fiſhery, and it was upon this occaſion that one of the Secretaries of State declared, perhaps as his own opinion, that the Plantations were not annexed to the Crown, and ſo were not within the juriſdiction of Parliament. Sir Edwin Sandys, who was one of the Virginia Company, and an eminent Lawyer, declared that he knew Virginia had been annexed, and *was held of the Crown as of the Manor of Eaſt Greenwich*, and he believed New-England was ſo alſo; and ſo it moſt certainly was. This declaration made by one of the King's Servants, you ſay, ſhewed the ſenſe of the Crown, and, being not ſecretly but openly declared in Parliament, you would make it the ſenſe of the Nation alſo, notwithſtanding your own aſſertion, that the Lords and Commons paſſed a bill that ſhewed their ſenſe to be directly the contrary. But if there had been full evidence of expreſs declarations made by King James the firſt, and King Charles the firſt, they were declarations contrary to their own Grants, which declare this country to be held of the Crown, and conſequently it muſt have been annexed to it. And may not ſuch declarations be accounted for by other actions of thoſe Princes, who, when they were ſoliciting the Parliament to grant the Duties of Tonnage and Poundage, with other aids, and were, in this way, acknowledging the rights of Parliament, at the ſame time were requiring the payment of thoſe Duties, with ſhip money, &c. by virtue of their prerogative?

But, to remove all doubt of the ſenſe of the Nation, and of the Patentees of this Patent or Charter, in 1620, I need only refer you to the account, publiſhed by Sir Ferdinando Gorges himſelf, of the proceedings in Parliament upon this occaſion. As he was the moſt active member of the Council of Plymouth, and as he relates what came within his own knowledge and obſervation, his narrative, which has all the appearance of truth and ſincerity, muſt carry conviction with it. He ſays, that ſoon after the patent was paſſed, and while it lay in the Crown Office, he was ſummoned to appear in Parliament to anſwer what was to be objected againſt it, and the houſe being in a Committee, and Sir Edward Coke, that great oracle of the Law, in the Chair, he was called to the Bar, and was told by Sir Edward, that the Houſe underſtood that a Patent had been granted to the ſaid Sir Ferdinando, and divers other noble perſons, for eſtabliſhing a Colony in New-England, that this was deemed a grievance of the Common-wealth, *contrary to the Laws* and to the privileges of the ſubject, that it was a monopoly, &c. and he required the delivery of the Patent into the Houſe. Sir Ferdinando Gorges made no doubt of the authority of the Houſe, but ſubmitted to their diſpoſal of the Patent as in their wiſdom they thought good, "not knowing, under favour, how any action of that kind could be a grievance to the public, ſeeing it was undertaken for the advancement of religion, *the enlargement of the bounds of our Nation*, &c.---He was willing, however, to ſubmit the whole to their Honourable cenſures." After divers attendances he imagined he had ſatisfied the Houſe, that the planting a Colony was of much more conſequence than a ſimple diſorderly courſe of Fiſhing. He was, notwithſtanding, diſpoſſeſſed, and, when the public affairs [illegible] preſented by the two Houſes, that of the Patent for New-England was the firſt. I don't know how the Parliament could have ſhewn more fully the ſenſe they then had of their authority over this new acquired Territory, nor can we expect better evidence of the ſenſe which the Patentees had of it, for I know of no hiſtorical fact of which we have leſs reaſon to doubt.

And now, Gentlemen, I will ſhew you how it appears from our Charter itſelf, which you ſay I have not yet been pleaſed to point out to you, except from that clauſe which reſtrains us from making Laws repugnant to the Laws of England, that it was the ſenſe of our predeceſſors at the time when the Charter was granted, that they were to remain ſubject to the ſupreme authority of Parliament.

Beſides this clauſe, which I ſhall have occaſion further to remark upon before I finiſh, you will find that, by the Charter, a grant was made of exemption from all taxes and impoſitions upon any goods imported *into New-England*, or exported from thence into England, for the ſpace of twenty-one years, except the cuſtom of five per Cent. upon ſuch goods as, after the expiration of ſeven years, ſhould be brought into England. Nothing can be more plain than that the Charter, as well as the Patent to the Council of Plymouth, conſtitutes a corporation in England, with powers to create a ſubordinate government or governments within the plantation, ſo that there would always be ſubjects of taxes and impoſitions both in the kingdom and in the plantation. An exemption for twenty-one years implies a right of impoſition after the expiration of the term, and there is no diſtinction between the kingdom and the plantation. By what authority then, in the underſtanding of the parties, were theſe impoſitions to be laid? If any, to ſupport a ſyſtem, ſhould ſay, by the King, rather than to acknowledge the authority of Parliament, yet this could not be the ſenſe of one of our principal patentees, Mr. Samuel Vaſſall, who at that inſtant, 1628, the date of the Charter, was ſuffering the loſs of his goods, rather than ſubmit to an impoſition laid by the King without the authority of Parliament; and to prove that a few years after it could not be the ſenſe of the reſt, I need only to refer you to your own records for the year 1642, where you will find an order of the Houſe of Commons, conceived in ſuch terms as diſcover a plain reference to this part of the Charter, after fourteen years of the twenty-one were expired. By this order the Houſe of Commons declare, that all goods and [illegible]dize exported to New-England, or imported from thence, ſhall be free from all taxes and impoſitions both in the kingdom *and in New-England*, until the Houſe ſhall take further order therein to the contrary. The ſenſe which our predeceſſors had of the benefit which they took from this order, evidently appears from the vote of the General Court, acknowledging their humble thankfulneſs and preſerving a grateful remembrance of the honourable reſpect from that high court, and reſolving that the order ſent unto them, under the hand of the Clerk of the Honourable Houſe of Commons, ſhall be entered among their public records to remain there unto poſterity: And, in an Addreſs to Parliament, nine years after, they acknowledge, among other undeſerved favours, that of *taking off the reſtraints from them*.

I am at a loſs what your ideas could be when you ſay, that if the plantations are not part of the *Realm*, they are not part of the *Kingdom*, ſeeing the two words can properly convey but one idea, and they have one and the ſame ſignification in the different languages from whence they are derived. I do not charge you with any deſign, but the equivocal uſe of the word realm in ſeveral parts of your Anſwer, makes them perplexed and obſcure. Sometimes you muſt intend the whole dominion which is ſubject to the authority of Parliament, ſometimes only ſtrictly the territorial realm to which other dominions are or may be annexed. If you mean that no countries but the ancient territorial realm can conſtitutionally be ſubject to the ſupreme authority of England, which you have very inadvertently ſaid is a rule of the common law of England, this is a doctrine which you will never be able to ſupport. That the common law ſhould be controuled and changed by ſtatutes, every day's experience

[Turn to the laſt Page.]

BOSTON, FEBRUARY 25.

The Committee on his Excellency's Speech of the 16th Inſtant, beg Leave to report to the honourable Board the following Reply, which is humbly ſubmitted.

In the Name of the Committee, JAMES BOWDOIN.

In COUNCIL, February 25, 1773. Read and accepted, and ordered that *Harriſon Gray, James Ruſſel, James Pitts, Stephen Hall, and James Humphrey,* Eſquires, be a Committee to wait on his Excellency the Governor therewith.

THOMAS FLUCKER, *Secretary.*

May it pleaſe your Excellency,

AS a ſmall Part only of your Excellency's laſt Speech to both Houſes is addreſſed to the Board, there are but a few Clauſes on which we ſhall remark.

With regard to the Diſorders that have ariſen, your Excellency and the Board have aſſigned different Cauſes. The Cauſe you are pleaſed to aſſign, together with the Diſorders themſelves, we ſuppoſed to be effects ariſing from the Stamp-Act, and certain other Acts of Parliament. If we were not miſtaken in this, which you do not aſſert, it ſo far ſeems to invalidate what is ſaid in your Speech on that Head.

We have taken Notice of this, only becauſe it ſtands connected with another Matter, on which we would make a few further Obſervations. What we refer to is, the general Nature of Supreme Authority. We have already offered Reaſons, in which your Excellency ſeems to acquieſce, to ſhew that, though the Term *ſupreme* ſometimes carries with it the Idea of *unlimited* Authority, it cannot, in that ſenſe, be applied to that which is human. What is uſually denominated the ſupreme Authority of a Nation muſt nevertheleſs be limited in its Acts to the Objects, that are properly or conſtitutionally cognizable by it. To illuſtrate our Meaning, we beg Leave to quote a Paſſage from your Speech, at the Opening of this Seſſion, where your Excellency ſays, "ſo much of the Spirit of Liberty breathes through all Parts of the Engliſh Conſtitution, that although from the Nature of Government there muſt be one ſupreme Authority over the whole, yet this Conſtitution will admit of ſubordinate Powers, with legiſlative and executive Authority, greater or leſs, according to local and other Circumſtances." This is very true, and implies, that the legiſlative and executive Authority, granted to the ſubordinate Power, ſhould extend and operate as far as the Grant allows; and that, if it does not exceed the Limits preſcribed to it, and no Forfeiture be incurred, the ſupreme Power has no rightful Authority to take away or diminiſh it, or to ſubſtitute its own Acts, in Caſes wherein the Acts of the ſubordinate Power can, according to its Conſtitution, operate. To ſuppoſe the contrary is to ſuppoſe, that it has no Property in the Privileges granted to it, for if it holds them at the Will of the ſupreme Power, which it muſt do by the above Suppoſition, it can have no Property in them; upon which Principle, which involves the Contradiction, that what is granted, is in reality not granted, no ſubordinate Power can exiſt. But as in fact the two Powers are not incompatible, and do ſubſiſt together, each reſtraining its Acts to their conſtitutional Objects, can we not from hence ſee how the ſupreme Power may ſuperviſe, regulate, and make general Laws for the Kingdom, without interfering with the Privileges of the ſubordinate Powers within it? And alſo ſee how it may extend its Care and Protection to its Colonies, without injuring their conſtitutional Rights?--What has been here ſaid concerning ſupreme Authority, has no Reference to the Manner in which it has been in fact exerciſed, but is wholly confined to its general Nature; and if it conveys any juſt Idea of it, the Inferences that have been at any Time deduced from it, injurious to the Rights of the Coloniſts, are not well founded; and have probably ariſen from a Miſconception of the Nature of that Authority.

Your Excellency repreſents us as introducing a Number of Authorities merely to ſhew, that "all Taxes upon Engliſh Subjects muſt be levied by virtue of the Act not of the King alone, but in Conjunction with the Lords and Commons," and are pleaſed to add, that "you ſhould very readily have allowed it; and you ſhould as readily have allowed, that all other Acts of Legiſlation muſt be paſſed by the ſame joint Authority, and not by the King alone."---Your Excellency "would have ſaved us the Trouble of all thoſe Authorities;" and on our Part we ſhould have been as willing to have ſaved your Excellency the Trouble of diſmembering our Argument, and from thence taking Occaſion to repreſent it in a diſadvantageous Light, or rather totally deſtroying it.

In Juſtice to ourſelves, it is neceſſary to recapitulate that Argument adduced to prove, that the Inhabitants of this Province are not conſtitutionally ſubject to Parliamentary Taxation. In order thereto we recurred to Magna Charta, and other Authorities. And the Argument abridged ſtands thus---That from thoſe Authorities it appears an eſſential Part of the Engliſh Conſtitution, "That no Tallage, or Aid, or Tax, ſhall be laid or levied, without the Goodwill and Aſſent of the Freemen of the Commonalty of the Realm." That from Common Law, and the Province Charter, the Inhabitants of this Province are clearly entitled to all the Rights of free and natural Subjects within the Realm: That among thoſe Rights muſt be included the eſſential one juſt mentioned concerning Aids and Taxes; and therefore that no Aids or Taxes can be levied on us conſtitutionally, without our own Conſent, ſignified by our Repreſentatives. From whence the Concluſion is clear, that therefore the Inhabitants of this Province are not conſtitutionally ſubject to Parliamentary Taxation.

We did not bring thoſe Authorities to ſhew that Tax Acts, or any other Acts of Parliament, in order to their Validity, muſt have the Concurrence of the King, Lords and Commons; but to ſhew, that it has been, at leaſt from the Time of Magna Charta, an eſſential Right of free Subjects within the Realm, to be free from all Taxes, but ſuch as were laid with their own Conſent. And it was proper to ſhew this, as the Rights and Liberties, granted by the Province Charter, were to be equally extenſive, to all Intents and Purpoſes, with thoſe enjoyed by free and natural Subjects within the Realm. Therefore to ſhew our own Rights in relation to Taxes, it was neceſſary to ſhew the Rights of Freemen within the Realm, in relation to them: And for this Purpoſe thoſe Authorities were brought, and not impertinently, as we humbly apprehend. Nor have we ſeen Reaſon to change our Sentiments with reſpect to this Matter, or any other, contained in our Anſwer to your Excellency's Speech.

In the laſt Clauſe of your Speech, your Excellency informs the two Houſes, "you are authoriſed to ſay, that his Majeſty will moſt graciouſly approve of every conſtitutional Meaſure, that may contribute to the Peace, the Happineſs and Proſperity of his Colony of Maſſachuſetts-Bay."----We have the higheſt Senſe of his Majeſty's Goodneſs in his gracious Diſpoſition to approve of ſuch Meaſures, which, as it includes his Approbation of the conſtitutional Rights of his Subjects of this Colony, manifeſts his Inclination to protect them in thoſe Rights; and to remove the Incroachments that have been made upon them. Of this Act of Royal Goodneſs they are not wholly unworthy, as in regard to Loyalty, Duty and Affection to his Majeſty, they ſtand among the foremoſt of his faithful Subjects.

BOSTON, MARCH 8.

Friday laſt being the Anniverſary of the 5th of March, when, agreeable to a vote of the town a meeting was called, at which the Committee appointed laſt year for that purpoſe, reported that they had engaged Dr. Benjamin Church, to deliver an Oration, on the dangerous tendency of ſtanding armies being placed in free and populous cities, and to perpetuate the memory of the horrid Maſſacre perpetrated on the evening of the 5th of March, 1770.---The Oration was accordingly delivered at the Old South Meeting, where the people crowded in ſuch numbers, that it was with difficulty the Orator reached the Pulpit, which was covered with black cloth:---The Oration took up about half an hour, and was received with univerſal applauſe; and his fellow citizens unanimouſly voted him their thanks, and requeſted a copy of his Oration for the Preſs. At night a ſelect number of the friends of conſtitutional liberty, met at Mrs. Clapham's in King-ſtreet, and exhibited on the Balcony a Lanthorn of tranſparent Paintings, having in front a lively repreſentation of the bloody Maſſacre which was perpetrated near that ſpot on the 5th of March, 1770. Over their heads was inſcribed, *The fatal effects of a ſtanding army being poſted in a free city.* On the right, America ſitting in a mourning poſture, looking down on the ſpectators, with this label, *Behold my Sons.* On the left, a monument, ſacred to the memory of Meſſrs. *Samuel Gray, Samuel Maverick, James Caldwell, Patrick Carr,* and *Criſpus Attucks,* who were barbarouſly murdered by a party of the 29th regiment, on the 5th of March, 1770.

In one of the Chamber Windows was exhibited the following Lines:

CANST thou, ſpectator, view this crimſon'd ſcene,
And not reflect what theſe ſad portraits mean?
Or can thy ſlaughter'd brethren's guiltleſs gore,
Revenge, from year to year, in vain implore?
Aſk not where *Preſton!* or his butchers are,
But aſk, who bro't thoſe bloody villains here?
Never, for inſtruments, forſake the cauſe,
Nor ſpare the wretch who would ſubvert the laws.
That ruthleſs fiend, who for a trifling hire,
Would murder ſcores, or ſet a town on fire;
Compar'd with him who would a land enſlave,
Appears an inconſiderable knave.
And ſhall the firſt adorn the fatal tree,
While pamper'd and careſs'd the laſt goes free?
Forbid it thou! whoſe eyes no bribe can blind,
Nor fear can *influence* nor favour *bind.*
Thy juſtice drove one murd'rer to deſpair;
And ſhall a number live in riot here?
Live and appear to glory in the crimes,
Which hand deſtruction down to future times!
Yes, ye ſhall live, but live like branded Cain,
In daily dread of being nightly ſlain;
And when the anxious ſcene on earth is o'er,
Your names ſhall ſtink 'till time ſhall be no more.

At a quarter after nine, the time of the evening when the bloody ſcene was acted, the paintings were taken in, and moſt of the bells in town tolled till ten.

Extract of a letter from Marſhfield, February 24.

"On the 21ſt inſtant in the night, we were waked with a very loud noiſe and conſiderable jar of the houſe, which we took to be an earthquake, as almoſt all the neighbours heard the ſame, but it is ſince conjectured that it was occaſioned by the ſevere froſt, as it was heard ſeveral times, ſometimes louder than others, by many who roſe immediately.--The ground is cracked in many places ſeveral yards in length, ſo wide that a man may put his whole arm into the chaſms."

PROVIDENCE, *(Rhode-Iſland)* FEBRUARY 27.

Beſides the uncommon ſeverity of the weather on Sunday laſt, people who lived on ſandy land, with deep gravelly bottom, have been alarmed by the extraordinary cracking of the ground, which has been repreſented by ſome as reſembling an earthquake, by others, as the noiſe of cannon; and, on the whole, occaſioned conſiderable talk of an earthquake the next day.

PHILADELPHIA, MARCH 24.

Captain Bethel, from the Miſſiſippi, informs us, that the Small-pox had made great havock among the people, in and about New-Orleans.-----On the 22ſt ult. he ſpoke the ſnow Peggy, Captain Davis, belonging to South-Carolina, going up the river Miſſiſippi, from St. Domingo.

WILLIAMSBURG, *(Virginia)* MARCH 11.

On Monday laſt it was reſolved in the Honourable Houſe of Burgeſſes, that in order to relieve the people from their preſent diſtreſs, occaſioned by the circulation of counterfeit Paper Money, the Treaſurer ought to be empowered to borrow ſpecie to redeem the emiſſions of 1769, and 1771; and, if he cannot effect the ſame in a ſhort time, that thoſe Notes now in circulation ought to be called in, and exchanged for others, to be iſſued, the moſt guarded that may be againſt counterfeits, to circulate until a proper Paper can be imported for a farther exchange of ſuch as may not then be otherwiſe redeemed.

The Honourable Houſe of Burgeſſes, upon the memorial of Robert Bolling, Eſquire, of Buckingham, have directed the Treaſurer to pay to that gentleman fifty pounds ſterling yearly, for the term of five years, in order to enable him to proſecute his ſcheme of cultivating Grapes, for the making of Wine, which he is convinced, from experiments, may be propagated in the upper parts of the country, with ſingular advantage to thoſe poſſeſſed of ſuch mountainous lands as are ſcarcely fit for any other purpoſe. He has engaged a foreigner thoroughly acquainted with the buſineſs, in all its branches, to inſtruct him therein; which we heartily wiſh ſucceſs to, as it appears to be an object of the greateſt probable utility to this province.

CHARLES-TOWN, APRIL 13.

BY Advices from New-Providence we learn, that the Diſturbances at Turks Iſland were ſettled, and that the armed Schooner St. Lawrence was returned thither, with a Rhode-Iſland Sloop, having foreign Rum on board, which, it was conjectured, would be condemned.

We are informed that the Congreſs, at Auguſta, with the Creek and Cherokee Indians, for the Ceſſion of the Lands lying Weſt of the Georgia Boundary-Line, is intended to be opened on the 25th of May next.---About a Month ago the Indians killed a white Man, named Williams, on thoſe Lands.

On the 25th ult. the Ship John, Stephen Madge, Maſter, of and for Briſtol, from Jamaica, with about 300 Hogſheads of Sugar, &c. on board, was entirely loſt on one of the Bahama Keys.---The People who were on board, being 23 in Number, continued at Sea five Days, in the Long-Boat, having ſtaved the Yawl in hoiſting her out, and were reduced to the greateſt Extremities, when they were taken up by a New-Providence Schooner, who carried them ſafe into that Iſland.

The Schooner Liberty, John Hunt, Maſter, of and for this Port, from the Miſſiſippi, with a valuable Cargo on board, was reduced to the greateſt Diſtreſs in the Courſe of her Voyage; ſhe made the Land on the Florida Coaſt, at a Place called Black Cæſar's Creek, in Lat. 25 Deg. 30 Min. where he found two Veſſels belonging to New-Providence, and the Schooner being almoſt a Wreck, the Captain put moſt Part of his Cargo on board theſe Veſſels, which was carried to New-Providence, and ſince brought here from thence.---Two of the Hands belonging to the Schooner were drowned.

On Monday the 5th Inſtant, the Court of Aſſize, &c. was opened at Orangeburgh, when eleven Bills of Indictment were delivered out to the Grand Jury, who returned ten of them true Bills; and the following Perſons had their Trials, viz.

Thomas Reeves, convicted of Larceny, burnt in the Hand---afterwards found guilty of killing Cattle, and, not being able to pay the Fine impoſed by Law, ſentenced to receive Twenty-one Laſhes on the 9th, and as many on the 16th Inſtant.

John Calvit, convicted of killing a Heifer, to pay a Fine of Twenty Pounds Proclamation Money.

Richard Rottenbury, convicted of ſtealing a Hog, to receive Twenty-one Laſhes on the 9th.

Richard Rottenbury, jun. the ſame.

Shadrach Harper, convicted of Petit-Larceny, to receive ſeven Laſhes on the 9th.

Captain William Thomſon, of the Brig Neptune, who arrived here on Wedneſday laſt from Jamaica, on the 28th ult. ſpoke the Brig Jamaica, James Farquhar, Maſter, from Jamaica for New-York, all well.

Sunday laſt the Captains Maſon and Wright ſailed for Philadelphia; in the laſt of which went Paſſengers Mr. Thomas Wells, of St. Thomas's Pariſh, Mr. Rapalje, of New-York, Mr. Paſcoe and Mr. Roſs, of Jamaica.

The ſame Day his Majeſty's Packet Boat Swallow, Captain William Copeland, ſailed with the Mails for Falmouth.

The ſame Evening the Brig Friendſhip, William Moore, Maſter, arrived here from Philadelphia, in whom came Paſſengers Dr. Charles Mayer, Mrs. Mayer, Mr. Farr, Mr. Ferguſon, and ſome others.

Yeſterday being Eaſter-Monday, the following Gentlemen were duly elected Pariſh Officers, at St. Philip's Church, in this Town, viz.

Gabriel Manigault, Eſq; Thomas Smith, Eſq; Charles Pinckney, Eſq; John Poaug, Eſq; Mr. Daniel Cannon, Thomas Grimball, jun. Eſq; and Mr. John Scott, *Veſtry-Men.*

Charles-Cotesworth Pinckney, Eſq; and Thomas-Loughton Smith, Eſq; *Church-Wardens.*

John Poaug, Eſquire, Robert Williams, jun. Eſq; Thomas Grimball, Eſq; Mr. John Scott, (Son of Jonathan) and Mr. Thomas Buckle, *Commiſſioners of the Markets and Work-houſe.*

Gabriel Manigault, Thomas Smith, George Sheed, David Deas, and John Edwards, Eſquires, *Fire-Maſters.*

Meſſrs. John Shannon, Samuel Fley, George Blaikie, David Sailor, William Buſhell, and John Langriſh, *Packers.*

Meſſrs. John Remington, jun. Chriſtopher Holſon, Robert Rutherford, George Wood, and James Amos, *Wood and Coal Meaſurers.*

The ſame Day the following Gentlemen were elected at St. Michael's Church, viz.

James Parſons, Eſq; Sir Edmund Head, Bart. Mr. Edward Lightwood, Thomas Heyward, jun. Eſq; Mr. Peter Leger, Mr. Edward Blake, and Mr. George-Abbot Hall, *Veſtry-Men.*

Meſſrs. John Baker, and Samuel Legare, *Church-Wardens.*

This Day being the Anniverſary of the South-Carolina Society, the Members thereof met at Nine o'Clock this Morning, at the Houſe of Mrs. Catharine Poinſett, in Elliott-Street, from whence they proceeded to St. Michael's Church, where an excellent Diſcourſe, ſuitable to the Occaſion, was delivered by the Rev. Mr. Robert Cooper, Rector of the ſaid Pariſh.

The following are the Officers choſen by the ſaid Society for the enſuing Year, viz. William Logan, Eſq; Steward; Roger Smith, Eſq; Senior Warden; Mr. Daniel Cannon, Junior Warden; Mr. John McCall, ſen. Treaſurer; Samuel Prioleau, Eſq; Clerk; Meſſrs. James Wakefield, and William Hopkins, Conſtables.

MARRIED.] Benjamin Smith, Eſq; of Gooſe-Creek, to Miſs Catharine Ball, Daughter of John-Cuming Ball, of St. John's Pariſh.

DIED.] James Poſtell, Eſq; of St. George's Pariſh.---Mrs. Roſamond Perry, of Stono, aged 68 Years.---Mr. Tobias Ford, of St. Bartholomew's Pariſh.------In England, Mr. Lambert Lance, late of this Town, Merchant.

*** No Entries could be obtained for this Day's Gazette, on Account of the Holidays.

PRICE of RICE, 60s. per 100lb.

NEW ADVERTISEMENTS.

TO BE SOLD, without Reſerve, on Tueſday the 27th Inſtant, at a Store oppoſite Meſſrs. Hawkins, Petrie, & Co. in Tradd-ſtreet,

A CONSIGNMENT of GOODS, conſiſting of a great Variety of printed LINENS, COTTONS, and CALICOES, Part of which are well calculated for, and were intended to go to a Spaniſh Market. *Alſo,* ſundry other dry GOODS, chiefly of the finer Sort.---The Sale to begin exactly at 3 o'Clock, and to be continued every Afternoon at that Hour till all are ſold.

A MEETING of ſuch of the Creditors of TORRANS & POAUG, as have ſigned a General Releaſe, is deſired on Wedneſday the 28th Inſtant, at 10 o'Clock in the Forenoon, at Holliday's Tavern. In the mean Time, a true State of their reſpective Demands, is deſired to be left with WILLIAM GRAHAM, on Beale's Wharf, in order to enable the Aſſignees to offer a Diviſion of all the Money and Specialities, as ſhall then be in their Hands, and alſo to lay before them the ſeveral Matters which have occurred ſince their laſt Meeting.

April 6, 1773.

JACOB MOTTE,
WILLIAM LOGAN,
ALEXANDER MICHIE,
BENJAMIN HUGER,
JOHN HUGER,
ALEXANDER ROSE.

HOUSHOLD FURNITURE.

TO BE SOLD by public Outcry, at the Subſcriber's Houſe on the Bay, on Friday the 30th Inſtant,

ALL his Houſhold Furniture, conſiſting of a large Variety of genteel and uſeful Articles.

As alſo, a PEW on the North-ſide of the Middle Iſle, No. 18, in St. Michael's Church.

A very handſome and light new CHARIOT, and a CHAISE, but little uſed, with Harneſs for two Horſes, to be ſold at the ſame Time, if not diſpoſed of by private Sale.

N. B. The Sale will begin preciſely at 9 o'Clock in the Forenoon, and if not finiſhed before Dinner, the Remainder to be ſold on the Morning following.

ACKABEE PLANTATION,

TO BE SOLD by private SALE.

IT contains Seventy-one Acres and a Half, has thereon a very good Dwelling-Houſe, Coach-Houſe, and a Stable that is paved, and has Stalls for 5 Horſes, with every other neceſſary Out-Building.---It's pleaſant and airy Situation cannot be excelled by any other in the Province, having an open and very extenſive View of Aſhley-River; whence, in the hotteſt Summer's Day, it never fails of pure and refreſhing Breeſes, which renders it both delightful and healthy, very ſuitable for a Gentleman's Family to retire to, being but 6 Miles from Charles-Town. Apply to the Subſcriber.

Who, intending to depart the Province in June next, deſires thoſe that are indebted to him, to make immediate Payment; and thoſe having Demands on him, to call and receive Payment. Mean while he gives this public Notice, that he is ready to appear, anſwer, or file Bail to any Suit, Summons or Proceſs, that may be iſſued or brought againſt him, in Terms of the *Attachment Act.*

ISAAC MOTTE.

N. B. Thoſe Perſons who do not call for Payment before his Departure, are to take Notice, that he will leave Directions with his Attornies, not to pay any Account that may be brought to them in his Abſence.

ROBERTS & TAYLOR,

Have just imported in the last vessels from EUROPE,

A fresh Supply of GOODS,

Suitable to the present SEASON;

Part of which are,

SUPERFINE BROAD-CLOTHS, with proper trimmings, Bath coating, buff coloured cassimere, black princes fluff, serges, serge-denisme, buff, blue, and black breeches patterns, plain and striped cambletts, calimancoes, tammies, durants, Wilton and Scotch carpets, ditto carpeting, silk umbrellaes.

Also, a great choice of the most fashionable plain, striped, and flowered SILKS, satins, peelings, English and India Persians, taffetas, black, and blue paduasoy, white sarsnet, ditto cloaks trimmed with lace, silk petticoats, cane and chip hats, plain and figured muslins, ditto gauze, and gauze aprons, long lawns, figured and clear ditto, catgut, Paris net, black bombazine, printed linens, cottons, and calicoes, India and English chintz, chintz and cotton counterpanes, Dutch, blond and thread lace, womens and girls flaps, ribbons, and sans, damask and diaper tabling, clouting diaper, buckabacks, mattresses, bed ticking, and Flanders ticks, white bed fringe, lace and tassels, sheeting and shirting linen, dowlas, garlix, loom quilting, flowered and plain dimity, fustians, white and brown Russia drab, checks, pocket handkerchiefs, men and boys leather caps, beaver and felt hats, buckskin and grounded lamb breeches.

Likewise, an assortment of shoes, gloves, hosiery, cutlery, and perfumery, London made riding chairs and chaises, chair harnesses, saddles, bridles, girths, and surfingles, coopers, carpenters, and plantation tools, glass, china, and earthen ware, best London Porter in barrels, pickles, hyson and bohea tea, single and double refined loaf sugar, japanned tea kitchens, bread baskets and waiters, nests of red and black leather trunks, portmantua ditto, handsome brass mounted fire grates, compleat chamber and kitchen dogs, brass fenders, fire shovels, tongs, and pokers, elegant pier glasses, carved and gilt, ladies dressing and swinging ditto, window glass, paints, sheet and bar lead, neat fowling pieces, gun locks, whip and cross cut saws, quern and grind-stones, bird cages, brushes, &c.

☞ *As their goods are chiefly purchased with cash, from the manufactories, by Mr. Roberts, who resides in England, it enables them to sell on as reasonable terms, as any store in the Province.*

A genteel PHEATON,

TO BE SOLD,

At the Coffee-House, at Twelve o'Clock, on Thursday next, the 15th Instant, April, 1773.

In the mean Time it may be viewed at Mr. HEWET'S, Coach-Maker, near the White-Meeting.

CABINET-MAKING,

In all its Branches;

Also, INLAID-WORK, in any Taste,

By MARTIN PFENINGER,

At his Shop in New-Church-Street, adjoining the Scotch Meeting, at the lowest Rates, and in the most expeditious Manner.

TWO ROOMS to be LET, to single Gentlemen; also, the Front STORE, now in the Possession of Mr. Ray. Enquire of WILLIAM GOWDEY.

GEORGE THOMSON,

IS to give up the DRY GOODS BUSINESS for some Time, he therefore will dispose of his present ASSORTMENT, at a low Advance, for Cash or short Credit.

The GOODS consist of most useful Articles imported; they are fresh, and in good Order; the principal Part of them having been but a few Months in the Province. If any Person will purchase the Whole, they shall have them a Bargain, and the Terms of Payment made easy.

JANE THOMSON,

CONTINUES the MILLINARY Business in all its Branches, returns her hearty Thanks to those who have employed her, and hopes for the Continuance of their Favours. 6 w.

For LIVERPOOL,

The SHIP

CAVENDISH,

THOMAS WILLIAMS, Master.

(Will sail in all this Month)

FOR Freight or Passage, apply to said Master, or SAMUEL CHOLLET.

A Young Woman, of good Character, would be glad of a Place as a Housekeeker and Seamstress in a creditable Family. Enquire of the Printer.

For PHILADELPHIA,

The BRIG

FRIENDSHIP,

WILLIAM MOORE, Master.

HAS genteel Accommodations for Passengers, and will sail in Ten Days. For Freight or Passage, apply to said Master on board at Rowand's Wharf, or

DANIEL & ISAAC BOURDEAUX.

ARTHUR LEE, informs me of a Bay HORSE, with a large white in his face, most in the left side, about 12 hands high, 8 or 9 years old, branded on the near buttock X.

MEADUM LEE, informs me of a gray HORSE, about 13 hands high, 5 or 6 years old, branded on the off buttock M L, somewhat obscure.

Any person claiming any of the said strays, must prove their property before JOSEPH GOURLY, at Jeffery's Creek.

White-Hall, March 23, 1773.

RUN-AWAY from the subscriber's plantation, near Ninety-Six, on the 28th of December, 1772, a country-born negro man, named HERO, well-made, about 6 feet high, speaks good English, about 28 years of age; he had on when he went away, a white negro cloth coat, the cuffs and cape turned up with blue, a white negro cloth jacket and breeches, and a new felt hat. He was formerly the property of Mr. Webb, at the Congarees.

Also, on the same day, a Mulatto or half Indian man, named FRANK, well-made, about 19 or 20 years old, 5 feet 9 inches high, strait limb'd, speaks very good English, and he may attempt to pass for a freeman; he had on when he went away, a white negro cloth coat, the cuffs and cape turned up with blue, a white negro cloth jacket and breeches, and a new felt hat. He formerly lived at my cowpen, on Still-Creek, about 18 miles below Mr. George Galphin's, near Savannah river.

A reward of TWENTY POUNDS currency each, will be paid on delivery of either of the abovementioned slaves to Ley-Roy Hammond, Esq; at Snow-Hill, near Augusta, Mr. George Galphin, at Silver-Bluff, Mr. George Robinson, at the Rosemary-Branch, the Warden of the Work-house in Charles-Town, or to the subscriber; and a further reward of ONE HUNDRED POUNDS will be paid, if discovered to be harboured by a white person, on conviction of the offender. ANDREW WILLIAMSON.

RUN-AWAY from the subscriber, a negro fellow named APOLLO, a porter, and cooper, well known in Charles-Town, lately purchased of Mr. Andrew Lord; he is very black, strong, and thick set, about 25 years of age, 6 feet 6 inches high, a little knock knee'd, pitted with the small-pox, full faced, with large lips. Whoever delivers him to me, at my plantation, in St. John's parish, or to the Warden of the Work-house, shall have FIVE POUNDS paid them, and all reasonable charges, and whoever gives information of his being harboured, so as the fact can be proved, shall receive *Ten Pounds*, if by negroes, and if by white people, *Fifty Pounds*.

PETER GOURDINE.

RUN-AWAY from the Subscriber, two Negro Men, named ISAAC, and BEOY.——Whoever apprehends the said Run-aways, and delivers them to me, shall have TEN POUNDS Reward for each.

N. B. If the said Negroes will return of their own Accord, they shall be forgiven.

BLAKE LEAY WHITE.

Charles-Town, April 7, 1773.

A CARGO OF ABOUT

THREE HUNDRED

FINE *GAMBIA* and *GRAIN-COAST*

SLAVES,

ARRIVED in the Ship *Cavendish*, *Thomas Williams*, Master, directly from thence, and will be SOLD on *Monday* the 19th of *April*, Instant, by

SAMUEL CHOLLET.

MR. WILLIAM SIMMONS informs me of a black HORSE, about thirteen hands and a half high, with a star in his forehead, and branded on the mounting buttock R B, having strayed into his plantation, opposite the Race-ground. The owner must prove his property before JOHN TROUP.

STOPT from a small Negro Boy, a GUINEA. The Owner describing the same, and paying for this Advertisement, may have it again, by applying to me, in Beadon's-Alley.

HENRY CALWELL.

RUN-AWAY from the Schooner Adventure, Clement Conyers, Master, a tall, stout Mulatto Fellow, has followed the Seas, and Rammers when he speaks, has a Scar on his Forehead.—Whoever takes him up, and delivers him to the Subscriber, now lying at Eveleigh's Wharf, shall have TWO DOLLARS Reward, and all Charges paid, by

CLEMENT CONYERS.

TO BE SOLD, for CASH,

A Young NEGRO WENCH, who can wash and iron tolerably well, and has been used to House-Work. Apply to the Printer.

TO BE SOLD,

A Very sensible and active Negro GIRL, who was born in Town, and has a Capacity for being brought up to any Sort of Business.——Enquire of the Printer.

STOLEN out of my pasture at Dorchester, on Sunday the 4th instant, at night, a bright bay HORSE, 14 hands high, 5 years old, trots and canters, has a very fine forehead, and a bow mane much grown, the hair on both sides has been rubbed off by drawing in a chair, and his tail very lately much chafed by the crupper. Whoever brings the said horse to me at the Parsonage, at Dorchester, shall receive TWENTY POUNDS reward, and reasonable charges; and I will give a farther reward of *Fifty Pounds*, to any one who shall apprehend the thief, upon conviction.

April 10, 1773. OFFSPRING PEARCE.

Charles Town, March 22, 1773.

I AM informed of a white and black COW, with the tops of her horns sawed off, and her tail cut off about the middle, the right ear marked with a swallow fork, and the left with a half crop, which strayed into the pasture of Robert Williams, Esq; near Charles-Town. The owner may prove his property before

WELLINS CALCOTT, J. P.

THE Subscriber having purchased Lands in *Georgia*, where he is desirous of settling, will sell his *Yeomans* and *Stones* PLANTATIONS; the first containing 2656 Acres, upwards of 600 Acres Rice Land, with fine Reserves of Back Water, the greater Part well improved with Banks, or Dams and Drains, for keeping or letting off Water, and about 700 Acres good Corn or Indico Land, with every necessary Building usual upon a well settled Plantation, also a good Pounding Water Machine, the Remainder well stocked with the best of Pine Timber; the Whole joining, and near to a Landing, where the largest Schooners may load: If the Purchaser chooses it, he may only have all said Land situate on the South Side of *Will-Town* Road, (that to be the Division Line) which will include the Whole of the Planting Land, and about 350 Acres of Pine and Bay. This Plantation joins Lands of Mr. *Christopher Williamson*, Mrs. *Guerard*, *Robert Williams*, and *Morton Williamson*, Esquires, and about 18 Miles from *Charles-Town*. The other at *Stone*, contains near 300 Acres, all good Land for Indico and Rice, and pleasantly situated on that River, has a few Buildings, been settled about four Years, so that only 50 Acres is cleared, the Remainder well covered with good Fire-Wood. As neither of the Tracts or Plantations can be given up till *January* next, whoever purchases either, will pay no Interest till that time, and may have any reasonable Credit, upon giving Bond with good Security, and paying Interest from the Time above-mentioned, to FRANCIS YONGE.

N. B. The present Proprietor would be willing to take Lands in *Georgia*, at such price as he shall approve of, in Part of Pay.

WHEREAS the Executors of the last Will and Testament of JACOB WALDBOURGER, of Purrysburg, deceased, now above three Years ago, have desired all Persons having any Demands against that Estate, to bring in their Accounts, duly attested: And whereas a certain Person in the Life-time of the said Waldbourger, frequently threatened to sue him for a Demand, which the said Waldbourger thought unjust, and was resolved never to pay, unless compelled by Law; and whereas the said Person has not yet given in his Claim or Demand upon Oath, and possibly intends to wait making a legal Demand, till some Persons capable of giving Evidence, may be dead, as the Matter has already been in Dispute fifteen Years or upwards; the Executors therefore give Notice, that they are ready to settle or stand Suit, as the Case may require, in this or any Cause relating to their Testator.

J. J. ZUBLY,
H. L. BOURQUIN, } Executors.

March 26, 1773.

To be disposed of at private SALE,

A Valuable LOT of LAND in *Colleton-Square*, containing 100 feet in front on *Ellery-Street*, and 100 in depth: The situation is very high, pleasant and healthy. It will be divided into two lots, if thought too large for one Lot.

Also,

A House and Lot in *Broad-Street*, near the *Exchange*, now occupied by Messrs. *Charnock & Hogg*. For Terms, apply to JOHN GABRIEL GUIGNARD.

STRAYED from *Silver-Bluff*, on *Savannah River*, in *December* last, two HORSES, viz. a Gray, with a black Mane and Tail, 14 Hands high, branded in several Places WL, paces, trots and canters; and a Sorrel, 13 Hands and an half high, branded ER, trots and canters. A Reward of ONE GUINEA each, and all reasonable Charges, will be paid on Delivery of them to Mr. *William Mitchell*, at *Orangeburgh*, Mr. *Joseph Slann*, on *Slann's-Island*, or to the Subscriber.

March 18, 1773. HENRY MOUZON, jun.

TO BE SOLD,

A Likely, bright Bay HORSE, of good Spirit, above 14 Hands and half high, and 7 Years old. Apply to the Printer.

SOUTH-CAROLINA EXPORTS, since November 6, 1772, to April 9, 1773.

RICE, viz.	
To G. Britain,	50 856 bls.
Portugal,	8939 bls.
N. America,	4055 bls.
British West-India Islands,	12473 bls.
Foreign ditto,	2427 bls.
Total of Rice,	78,750 bls.
Beef,	15 barrels
Pork,	1007 bls.
Butter,	286 firkins
Indian Corn,	19 781 bush.
Pitch,	621 barrels
Tar, Common,	1077 bls.
Ditto Green,	396 bls.
Turpentine,	1039 bls.
Bees-Wax,	7129 lb.
Tanned Leather,	2304 sides
Ground-Nuts,	180 bush.
Deer-skins, 141 hds.	4813 loose
Soap,	64 boxes
Hemp,	111,888 lb.
Indico Seed,	66 bush.
Raw Silk,	1 Box

INDICO, viz.	
To G. Britain,	672,921 lb.
N. America,	13,676 lb.
Total of Indico,	686,597 lb.
Cattle,	10
Hogs,	132
Flour,	1287 barrels
Pease,	5,017 bushels
Potatoes,	341 bushels
Rough Rice,	1022 bush.
Tobacco,	413 hhds.
Candles,	48 boxes
Timber, plank, boards, &c.	426,500 feet.
Staves,	51 900
Shingles,	838 400
Hoops,	11900
Cow Horns,	4850
Horses,	27
Pink-Root, 17 hdd. & 6 bls.	
Beaver-skins,	2 bundles
Reeds,	14 367
Ship Bread,	298 bls.
Bacon,	100 lb.

LEASES and RELEASES, Blank Bonds, Bonds with Warrants to confess Judgment, Mortgages, Copies of Writs, Bills of Sale, Powers of Attorney, Servants and Apprentices Indentures, Bills of Lading, Indico Certificates of both Kinds, Shipping Papers, Warrants and Executions for small Debts, Recognizance for the Peace, Writs of Fieri Facias, in Actions of Debt, and on the Case, Capias in Debt, ditto in Case, Militia Summons, Petitions and Summons for the Summary Jurisdiction, and Copies, with sundry other Blanks; also an Abstract of an Act for regulating the Rates of Wharfage of Ships and Merchandize, and ascertaining the Rates of Storage in *Charles-Town*, to be sold by the Printer hereof.

teaches, but that the common law prescribes limits to the extent of the legislative power, I believe has never been said upon any other occasion. That Acts of Parliament for several hundred years past have respected countries, which are not strictly within the realm, you might easily have discovered by the statute books. You will find Acts for regulating the affairs of Ireland, though a separate and distinct kingdom.—Wales and Calais, which they sent no representatives to Parliament, were subject to the like regulations. So are Guernsey, Jersey, Alderney, &c. which send no members to this day. These countries are not more properly a part of the ancient realm, than the plantations, nor do I know that they can more properly be said to be annexed to the realm, unless the declaring that Acts of Parliament shall extend to Wales, though not particularly named, shall make it so, which I conceive it does not in the sense you intend.

Thus, I think, I have made it appear that the plantations, though not strictly within the realm, have from the beginning been constitutionally subject to the supreme authority of the realm, and are so far annexed to it, as to be, with the realm and the other dependencies upon it, one entire dominion; and that the plantation or colony of Massachusetts-Bay in particular is holden as feudatory of the Imperial Crown of England, deem it to be no part of the realm it is immaterial, for to use the words of a very great authority in a case of some respects analogous to it, "being feudatory, the conclusion necessarily follows, that it is under the government of the King's laws and the King's courts, in cases proper for them to interpose, though (like counties Palatine) it has peculiar laws and customs, Jura Regalia, and compleat jurisdiction at home."

Your remark upon and construction of the words, *not repugnant to the laws of England*, are much the same with those of the council; but can any reason be assigned, why the laws of England, as they stood just at that period, should be pitched upon as the standard, more than any other period? If so, why was it not recurred to when the second charter was granted, more than sixty years after the first? It is not improbable that the original intention might be a repugnancy in general, and à fortiori such laws as were made more immediately to respect us; but the statute of 7th and 8th of King William and Queen Mary, soon after the second charter, favours the latter construction only, and the province agent, Mr. Dummer, in his much applauded defence of the charter, says, that *then* a law in the plantations may be said to be repugnant to a law made in Great-Britain, when it flatly contradicts it, so far as the law made there mentions and relates to the plantations. But, Gentlemen, there is another clause both in the first and second charter, which, I think will serve to explain this, or to render all dispute upon the construction of it unnecessary.—You are enabled to impose such oaths only as are warrantable by, or not repugnant to, the laws and statutes of the realm. I believe you will not contend that these clauses must mean such oaths only as were warrantable at the respective times when the charters were granted. It has often been found necessary, since the date of the charters, to alter the forms of the oaths to the government by acts of Parliament, and such alterations have always been conformed to in the plantations.

Lest you should think that I admit the authority of King Charles the second, in giving his assent to an Act of the Assembly of Virginia, which you subjoin to the authorities of James the first and Charles the first, to have any weight, I must observe to you, that I do not see any greater inconsistency with Magna Charta in the King's giving his assent to an Act of a subordinate legislature immediately or in person, than when he does it mediately by his Governor or Substitute; but, if it could be admitted that such an assent discovered the King's judgment, that Virginia was independant, would you lay any stress upon it when the same King was from time to time giving his assent to Acts of Parliament which inferred the dependance of all the colonies, and had by one of those Acts declared the plantations to be inhabited and peopled by his Majesty's subjects of England?

I gave you no reason to remark upon the absurdity of a grant to persons born within the realm, of the same liberties which would have belonged to them if they had been born within the realm, but rather guarded against it, by considering such grant as declaratory only, and in the nature of an assurance that the plantations would be considered as the dominions of England. But is there no absurdity in a grant from the King of England, of the liberties and immunities of Englishmen to persons born in, and who are to inhabit other territories than the dominions of England, and would such grant, whether by Charter or other letters patent, be sufficient to make them inheritable, or to entitle them to the other liberties and immunities of Englishmen, in any part of the English dominions?

As I am willing to rest the point between us upon the Plantations having been, from their first discovery and settlement under the Crown, a part of the dominions of England, I shall not take up any time in remarking upon your arguments to shew, that since that time they cannot have been made a part of those dominions.

The remaining parts of your Answer are principally intended to prove that, under both Charters, it hath been the sense of the people that they were not subject to the jurisdiction of Parliament, and, for this purpose, you have made large extracts from the History of the Colony. Whilst you are doing honour to the Book, by laying any stress upon its authority, it would have been no more than justice to the Author, if you had cited some other passages, which would have tended to reconcile the passage in my Speech to the History.—I have said that, except about the time of the Anarchy which preceded the Restoration of King Charles the Second, I have not discovered that the authority of Parliament had been called in question, even by particular persons. It was, as I take it, from the principles embibed in those times of Anarchy, that the persons of influence, mentioned in the History, disputed the authority of Parliament, but the Government would not venture to dispute it. On the contrary, in four or five years after the Restoration, the Government declared to the King's Commissioners, that the act of navigation had been for some years observed here, that they knew not of its being violated, and that such Laws as appeared to be against it were repealed. It is not strange that these persons of influence should prevail upon great part of the people to fall in, for a time, with their opinions, and to suppose acts of the Colony necessary to give force to acts of Parliament; the Government, however, several years before the Charter was vacated, more explicitly acknowledged the authority of Parliament, and voted that their Governor should take the oath required of him, faithfully to do and perform all matters and things enjoined him by the acts of trade. I have not recited in my Speech all these particulars, nor had I them all in my mind, but, I think, I have said nothing inconsistent with them. My principles in Government are still the same with what they appear to be in the Book you refer to, nor am I conscious that, by any part of my conduct, I have given cause to suspect the contrary.

Inasmuch as you say that I have not particularly pointed out to you the acts and doings of the General Assembly which relate to acts of Parliament, I will do it now, and demonstrate to you, that such acts have been acknowledged by the Assemby, or submitted to by the people.

From your predecessors removal to America until the year 1640 there was no Session of Parliament, and the first short Session, of a few days only, in 1640, and the whole of the next Session, until the withdraw of the King, being taken up in the disputes between the King and the Parliament, there could be no room for Plantation affairs. Soon after the King's withdraw, the House of Commons passed the memorable Order of 1643, and from that time to the Restoration, this Plantation seems to have been distinguished from the rest, and the several acts or ordinances, which respected the other Plantations, were never enforced here; and, possibly, under colour of the exemption in 1643, it might not be intended they should be executed.

For fifteen or sixteen years after the Restoration, there was no officer of the Customs in the Colony, except the Governor, annually elected by the people, and the acts of Trade were but little regarded, nor did the Governor take the oath required of Governors by the act of the 12th of King Charles the Second, until the time which I have mentioned. Upon the Revolution the force of an act of Parliament was evident, in a case of as great importance as any which could happen to the Colony. King William and Queen Mary were proclaimed in the Colony, King and Queen of England, France, and Ireland, *and the Dominions thereunto belonging*, in the room of King James, and this not by virtue of an act of the Colony, for no such act ever passed, but by force of an act of Parliament, which altered the succession to the Crown, and for which the people waited several weeks with anxious concern. By force of another act of Parliament, and that only, such officers of the Colony as had taken the oaths of Allegiance to King James, deemed themselves at liberty to take, and accordingly did take the oaths to King William and Queen Mary. And that I may mention other acts of the like nature together, it is by force of an act of Parliament that the illustrious House of Hanover succeeded to to the Throne of Britain *and its Dominions*; and by several other acts, the forms of the oaths have from time to time been altered, and by a late act that form was established which every one of us has complied with, as the Charter in express words requires and makes our duty. Shall we now dispute whether acts of Parliament have been submitted to, when we find them submitted to in points which are of the very essence of our constitution? If you should disown that authority, which has power even to change the succession to the Crown, are you in no danger of denying the authority of our most gracious Sovereign, which I am sure none of you can have in your thoughts?

I think I have before shewn you, Gentlemen, what must have been the sense of our predecessors at the time of the first Charter; let us now, whilst we are upon the acts and doings of the Assembly, consider what it must have been at the time of the second Charter. Upon the first advice of the Revolution in England, the authority which assumed the Government instructed their Agents to petition *the Parliament* to restore the first Charter, and a bill for that purpose passed the House of Commons, but went no farther. Was not this owning *the authority of Parliament?* By an act of Parliament, passed in the first year of King William and Queen Mary, a form of oaths was established to be taken by those Princes, and by all succeeding Kings and Queens of England, at their Coronation, the first of which is, that they will govern the people of the kingdom, *and the Dominions thereunto belonging, according to the Statutes in Parliament agreed on, and the Laws and Customs of the same.* When the Colony directed their Agents to make their humble application to King William to grant the second Charter, they could have no other pretence than as they were inhabitants of part *of the Dominions of England*, and they also knew the oath the King had taken, to govern them *according to the Statutes in Parliament*; surely then, at the time of this Charter also, it was the sense of our predecessors, as well as of the King and of the Nation, that there was and would remain a supremacy in the Parliament. About the same time they acknowledge, in an address to the King, that they have no power to make Laws *repugnant to the Laws of England*. And immediately after the assumption of the powers of government by virtue of the new Charter, an act passed to revive, for a limited time, all the local laws of the Colonies of Massachusetts-Bay and New-Plymouth respectively, *not repugnant to the Laws of England*. And, at the same session, an act passed, establishing Naval-officers in several ports of the province, for which this reason is given, *that all undue trading, contrary to an Act of Parliament made in the 15th year of King Charles the Second, may be prevented in this their Majesties province.* The act of this province, passed so long ago as the second year of King George the First, for stating the fees of the Custom-house Officers, must have relation to the Acts of Parliament by which they are constituted, and the provision made in that act of the province, for extending the port of Boston to all the roads, as far as Cape-Cod, could be for no other purpose than for the more effectual carrying the acts of trade into execution. And, to come nearer to the present time, when an act of Parliament had passed in 1741, for putting an end to certain unwarrantable schemes in this province, did the authority of government, or those persons more immediately affected by it, ever dispute the validity of it? On the contrary, have not a number of acts been passed in the province, that the burdens to which such persons were subjected might be equally apportioned; and have not all those acts of the province been very carefully framed, to prevent their militating with the Act of Parliament? I will mention also an Act of Parliament, made in the first year of Queen Anne, although the proceedings upon it more immediately respected the Council. By this act no office civil or military shall be void by the death of the King, but shall continue six months, unless suspended or made void by the next successor. By force of this act, Governor Dudley continued in the administration six months from the demise of Queen Anne, and immediately after the Council assumed the administration, and continued it until a proclamation arrived from King George, by virtue of which Governor Dudley reassumed the government. It would be tedious to enumerate the addresses, votes and messages, of both the Council and House of Representatives to the same purpose. I have said enough to shew, that this government has submitted to Parliament, from a conviction of its constitutional supremacy, and this not *from inconsideration, nor merely from reluctance at the idea of contending with the Parent State.*

If then I have made it appear, that both by the first and second charters we hold our lands, and the authority of government, not of the *King*, but of the *Crown*, of England, that being a dominion of the Crown of England, we are consequently subject to the supreme authority of England, that this hath been the sense of this plantation, except in those few years when the principles of anarchy which had prevailed in the Kingdom had not lost their influence here; and if, upon a review of your principles, they shall appear to you to have been delusive and erroneous, as I think they must, or if you shall only be in doubt of them, you certainly will not draw that conclusion, which otherwise you might do, and which I am glad you have hitherto avoided; especially when you consider the obvious and inevitable distress and misery of independance upon our Mother Country, if such independance could be allowed or maintained, and the probability of much greater distress, which we are not able to foresee.

You ask me if we have not reason to fear we shall soon be reduced to a worse situation, than that of the colonies of France, Spain or Holland? I may safely affirm, that we have not; that we have no reason to fear any evils from a submission to the authority of Parliament, equal to what we must feel from its authority being disputed, from an uncertain rule of law and government. For more than seventy years together the supremacy of Parliament was acknowledged, without complaints of grievance. The effect of every measure cannot be foreseen by human wisdom. What can be expected more from any authority, than when the unfitness of a measure is discovered, to make it void? When, upon the united representations and complaints of the American colonies, any acts have appeared to Parliament to be unsalutary, have there not been repeated instances of the repeal of such acts? We cannot expect these instances should be carried so far, as to be equivalent to a disavowal or relinquishment of the right itself. Why then shall we fear for ourselves and our posterity, greater rigour of government for seventy years to come, than what we and our predecessors have felt in the seventy years past?

You must give me leave, Gentlemen, in a few words to vindicate myself from a charge, in one part of your Answer, of having by my Speech, reduced you to the unhappy alternative of appearing by your silence to acquiesce in my sentiments, or of freely discussing this point of the supremacy of Parliament. I saw, as I have before observed, the capital town of the province, without being reduced to such an alternative, voluntarily not only discussing but determining this point, and inviting every other town and district in the province to do the like. I saw that many of the principal towns had followed the example, and that there was imminent danger of a compliance in most if not all the rest, in order to avoid being distinguished. Was not I reduced to the alternative of rendering myself justly obnoxious to the displeasure of my Sovereign, by acquiescing in such irregularities, or of calling upon you to join with me in suppressing them? Might I not rather have expected from you an expression of your concern, that any persons should project and prosecute a plan of measures, which would lay me under a necessity of bringing this point before you? It was so far from being my inclination, that nothing short of a sense of duty to the King, and the obligations I am under to consult your true interest, could have compelled me to it.

Gentlemen of the Council, and
Gentlemen of the House of Representatives,

We all profess to be the loyal and dutiful subjects of the King of Great-Britain. His Majesty considers the British empire as one entire dominion, subject to one supreme legislative power, a due submission to which is essential to the maintenance of the rights, liberties and privileges, of the several parts of this dominion. We have abundant evidence of his Majesty's tender and impartial regard to the rights of his subjects; and I am authorised to say that, "his Majesty will most graciously approve of every constitutional measure, that may contribute to the peace, the happiness, and prosperity of his colony of Massachusetts-Bay, and which may have the effect to shew to the world, that he has no wish beyond that of reigning in the hearts and affections of his people."

T. HUTCHINSON.

Council Chamber, February 26, 1773.

TO BE SOLD, at the House of Mrs. Sarah Beresford *on the Bay, on Friday and Saturday the 14th and 15th Days of May next,*

All her Houshold Furniture,
Two Harpsichords, one single and one double rowed.
Two Guitars.
A Bale of Negro Cloth.
A Bale of Duffil Blankets.
A Cask of Hose.
A Cask of Axes.
About three Thousand Weight of Sole Leather,

AND,

The House and Lot where Mrs. Beresford lives, and two low Water Lots fronting the same of 50 Feet front each.

The Sale will begin on each Day at 10 o'Clock in the Forenoon, and the House will be put up at 12 o'Clock on Saturday.

The Purchasers of the House and Lots, may have twelve Months Credit, giving approved Security, and paying Interest.

SAMUEL PRIOLEAU, jun. & Co.

Imported in the latest Vessels from England, and particularly in the Portland, Captain Wilson,

A Great CHOICE of low priced purple and white cottons, a very great variety of printed linens and cottons of the newest patterns, and some exceeding cheap, a large quantity of men and womens thread and cotton stockings, and mens worsted breeches pieces, plain and flowered bordered Scotch handkerchiefs, diapers, table cloths, and clouting diapers, pistol lawns, Russia sheeting, hemp and flaxen Russia linen, low priced Irish linens, a cheap lot of gulix hollands, of exceeding good quality, and will rate as low at 22s. a yard, a great plenty of Manchester checks and cottons, cotton Hollands, bed ticks and bunts, and cotton gowns, Irish, Scotch, and German osnabrugs, with many other articles, which will be sold very considerably under the usual LOW ADVANCE, at JOHN DAVIES's store in Bedon's-Alley.

The Co-PARTNERSHIP OF HALL & SMITH,

Being EXPIRED, by the Death of the latter;

ALL those indebted to the said Co-Partnership, are requested to settle their Accounts immediately, there being an absolute Necessity for closing said Concern.

And there being now remaining on Hand, a large and complete ASSORTMENT of GOODS, not imported Eight Months, which are now selling off at

NINE for ONE;

to those who take a Quantity, an Allowance will be made; and any Person taking the WHOLE STOCK, shall have it a great BARGAIN.

N. B. A Variety of all Kinds of Tools, Ironmonger Cutlery, Nails, &c. &c. which will be sold *very cheap.*

A Box, marked C. S. containing sundry Wearing Apparel, is now in my Possession. The owner may have the same, by applying on board the Ship Portland, Champneys's Wharf, to JAMES WILSON.

N. B. A matted Bundle, marked a Bunch of Grapes was left by me two Voyages ago in the Hands of Messrs. Inglis & Lloyd, and no Owner having applied for it, I give this Notice, that it will be sold before my Departure, to defray Charges, if not claimed in the mean Time.

JAMES WILSON.

A QUANTITY of exceeding fine small Grain COFFEE, to be sold, by THOMAS EVELEIGH

CHARLES-TOWN: Printed by CHARLES CROUCH, in Elliott-street; where all Manner of Printing Work is performed with Care and Expedition.